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25 January 1994

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NOTE VERBALE DATED 20 JANUARY 1994 FROM THE PERMANENT REPRESENTATIVE OF BULGARIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Bulgaria to the United Nations presents his compliments to the Secretary-General and has the honour to convey the following communication received from the Government of Bulgaria:

"As a Member of the United Nations, Bulgaria actively supports the efforts of the Organization to eliminate international terrorism as an important condition for maintaining peace and security in the world.

"It is in the light of this understanding that the Bulgarian Government viewed Security Council resolution 883 (1993) adopted on 11 November 1993.

"In implementing the above resolution, on 13 January 1994, the Council of Ministers of Bulgaria considered and adopted a decree, whereby the following legislative measures are introduced:

"1. The funds and other financial resources owned or controlled, directly or indirectly, by the Government or public authorities of the Libyan Arab Jamahiriya, or any Libyan undertaking in the territory of Bulgaria are to be frozen. In accordance with the provisions of Security Council resolution 883 (1993), the decree specifies that the measures regarding the freezing of the Libyan funds and other financial resources do not apply to funds or other financial resources derived from the sale or supply of petroleum or petroleum products, including natural gas and natural gas products, or agricultural products or commodities originating in the Libyan Arab Jamahiriya and exported therefrom after 1 December 1993, provided that any such funds are paid into separate bank accounts exclusively for these funds. The measures will not apply also to a limited number of routine payments due by Libyan offices, juridical and physical persons in the territory of Bulgaria for the consumption of electricity and water, for rent, salaries, compensations and pensions.

"2. The supply by Bulgaria to the Libyan Arab Jamahiriya of the items listed in the annex to Security Council resolution 883 (1993) is prohibited.

"3. Prohibited are any commercial transactions with Libyan Arab Airlines, as well as the supply of any materials destined for the construction, improvement or maintenance of Libyan civilian or military airfields and associated facilities and equipment, except emergency equipment and equipment and services directly related to civilian air traffic control.

"4. The compliance of Bulgaria with the additional sanctions against the Libyan Arab Jamahiriya imposed by Security Council resolution 883 (1993) will inevitably result in new economic and financial losses for Bulgaria. Consequently, availing itself of its right under Article 50 of the Charter of the United Nations, the Bulgarian Government will shortly issue and send to the Security Council Committee established pursuant to resolution 748 (1992) a memorandum regarding the special economic problems that Bulgaria faces as a result of the implementation of the sanctions against the Libyan Arab Jamahiriya and the need to render assistance to Bulgaría to overcome their negative consequences.

"5. The decree of the Council of Ministers of 13 January 1994 supplements Decree No. 68 of 22 April 1992 of the Council of Ministers regarding the implementation of Security Council resolution 748 (1992), thus establishing a consolidated comprehensive mechanism for the full implementation by Bulgaria of the sanctions imposed so far by Security Council resolutions regarding the Libyan Arab Jamahiriya."

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26 January 1994

ORIGINAL: ENGLISH

LETTER DATED 25 JANUARY 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to my recent report on the latest developments in the search for peace in Bosnia and Herzegovina (S/1994/64), I have the honour to convey the attached report addressed to me on 24 January 1994 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the activities of the working groups and other organs of the Conference.

Boutros BOUTROS-GHALI

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Annex

Report of the Co-Chairmen of the Steering Committee on the activities of the working groups and other organs of the Conference

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INTRODUCTION

1. The present report provides information on the activities of the working groups and other organs of the Conference.

I. WORKING GROUP ON BOSNIA AND HERZEGOVINA

2. The activities undertaken on the situation in Bosnia and Herzegovina were dealt with in Security Council reports S/26922 and S/1994/64.

II. PEACEMAKING ACTIVITIES WITH REGARD TO THE SITUATION IN THE UNITED NATIONS PROTECTED AREAS AND RELATED AREAS IN CROATIA

3. The peacemaking efforts undertaken under the auspices of the International Conference in respect of the situation in the United Nations protected areas and related areas in Croatia have been dealt with in separate reports submitted to the Council, the last of which was issued on 1 December 1993 (S/26828).

III. WORKING GROUP ON HUMANITARIAN ISSUES

4. Through the Working Group on Humanitarian Issues, chaired by Mrs. S. Ogata, United Nations High Commissioner for Refugees, the humanitarian situation in the former Yugoslavia has been kept under constant review. In general, the situation has continued to deteriorate.

5. Recurring hostilities in and around the United Nations protected areas in Croatia and human rights abuses against the few remaining members of minority groups there caused new displacement in the second half of 1993. Additional large numbers of civilians have also been uprooted in Bosnia and Herzegovina as a result of military offensives, especially in central Bosnia, or as a result of persecution or a mixture of both, while hundreds of thousands of others continue to be trapped in besieged areas or cities, often under desperate conditions. As the political crisis in the former Yugoslavia continues, the refugee burden weighs heavily on all countries of the region, but particularly on Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). In the latter, which is under sanctions imposed by the Security Council, there are grave humanitarian concerns about the dire plight of the vulnerable groups, whose numbers are rising.

6. The international relief effort has continued to try to address foremost the emergency needs of refugees, internally displaced persons and other victims of conflict, in cooperation with the authorities of the countries concerned. The Working Group on Humanitarian Irsues reviewed the implementation of the international humanitarian assistance programme during a meeting held in Geneva on 16 July 1993, which, as was the case with previous meetings, was attended by all countries of the region, the international donor community and other interested States, the Department of Humanitarian Affairs of the United Nations

Secretariat and international governmental and non-governmental organizations participating in the relief effort. At a similar meeting held on 8 October 1993, a new consolidated appeal was launched, revising needs for the period October to December 1993 and putting forward the requirements for the first half of 1994, totalling $697 million. Several States announced new contributions, which were essential as the international relief effort was threatened by insufficient funding.

7. In Bosnia and Herzegovina the humanitarian operations of international organizations have been seriously obstructed, as reported on previous occasions to the Security Council. Humanitarian access to populations in need of assistance has been repeatedly denied or sabotaged for political or military purposes, especially by the Bosnian Serb and Bosnian Croat sides, while all sides have frequently and seriously threatened the security of the personnel of the United Nations Protection Force (UNPROFOR), the Office of the United Nations High Commissioner for Refugees (UNHCR) and other organizations. The international airlift to Sarajevo had to be interrupted several times for security reasons. Convoy operations were suspended in central Bosnia on 25 October 1993 after the killing of a UNHCR driver and the wounding of nine UNPROFOR soldiers.

8. In view of the deteriorating situation on the ground, and the prospect of still greater humanitarian disaster during the winter, Mrs. Ogata met with the political and military leadership of the Bosnian parties, on 18 November 1993 in Geneva. Mr. Sommaruga, President of the International Committee of the Red Cross (ICRC) participated in the Humanitarian Issues Working Group meeting in an observer capacity. Mrs. Ogata insisted with the leaders of the parties that the primary responsibility for averting further agony, especially in view of the winter period, was theirs. The Bosnian Serb side refused to cooperate in the opening of Tuzla airport for humanitarian flights. However, in a joint declaration the parties did agree to suspend fighting along the major supply routes for the passing of humanitarian convoys, in order to ensure complete and secure freedom of movement for the United Nations and international humanitarian organizations, to prevent diversion of humanitarian assistance to the military and to release all civilian detainees in accordance with the principles of and arrangements by ICRC. Especially important was the commitment of the parties, reached after much debate, to allow UNHCR and ICRC to determine the content of humanitarian assistance, including priority winterization needs and all materials, supplies, gas and other fuel necessary for the survival of the civilian population. Following this meeting, convoy operations were resumed in central Bosnia.

9. On 19 November 1993, the outcome of the previous day's meeting and the state of preparations for the relief effort during the winter period were reviewed during a Working Group session held in Geneva with the donor community and other interested States, UNHCR, the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the Intergovernmental Organization for Migration (IOM) and ICRC. On 29 November, Mrs. Ogata addressed a meeting convened by the European Union in Geneva, and attended by the Bosnian parties, at the end of which a declaration was signed by the military leaders of those parties, reiterating the commitments of 18 November 1993.

10. After the November meetings there was some improvement in obtaining clearances for the passage of both fuel and shelter materials to some areas. However, serious problems of access have persisted. In December 1993, the UNHCR convoy operation achieved 45 per cent (20,000 tons) of its overall target for food and non-food items. Bureaucratic obstruction and security incidents have increased further. Of the gravest concern is what seems to have become a pattern of deliberate targeting of humanitarian personnel by all parties. While the international relief effort is undoubtedly helping large numbers of victims to survive through the winter, intensified fighting and offensive action, especially in central Bosnia, are expected to increase further security risks and the obstruction of access to the victims.

IV. WORKING GROUP ON ETHNIC AND NATIONAL COMMUNITIES AND MINORITIES

Former Yugoslav Republic of Macedonia

11. On 27 August, Ambassador G. Ahrens, mediated "Agreed Minutes" (see appendix I) between the Government of the former Yugoslav Republic of Macedonia and representatives of the local Serbs, which addressed various issues brought up by Serbs in the former Yugoslav Republic of Macedonia. The Co-Chairmen raised these and other issues when they met President Gligorov in Skopje on 17 September, when they also visited the UNPROFOR contingent stationed there.

12. Regarding Albanians in the former Yugoslav Republic of Macedonia, a stocktaking exercise was undertaken by the International Conference on Former Yugoslavia in order to have a clear account of all the issues in which progress has been made and those which were still pending. Meetings in Skopje (24-27 August, 29 September-1 October, 11 November, 14-17 December, 6-7 January) concentrated mainly on improvements to the Law on Local Self-Government; the conditions for the use of the Albanian language in local and central state institutions; the training of Albanian teachers at university level; and the national census to be held in April 1994. Some of these issues are interlinked and of considerable scope, as for instance the Law on Local Self-Government, which requires a two-thirds majority for approval in Parliament. Although discussions were held in a constructive manner, the broad consensus necessary for a breakthrough in these areas has not yet materialized.

Kosovo

13. The Co-Chairmen raised the situation of Albanians in Kosovo several times during meetings with President Milosevic, and in particular urged the Yugoslav authorities to reconsider their decision not to prolong the mandate of the Conference on Security and Cooperation in Europe (CSCE) mission in Kosovo.

14. On 26 August, Ambassador Masset, Lord Owen's Deputy, travelled to Pristina to meet with the local Serbian authorities and with representatives of the Albanians. There were also contacts on Kosovo with the Serbian authorities in Belgrade.

15. The International Conference on Former Yugoslavia made a further attempt to reconvene talks on educational problems in Kosovo and invited both parties to Geneva on 8 September. The Belgrade Government did not attend, claiming that minority issues were internal matters. Since then, it has not been possible to find a mutually agreeable venue for the parties to meet.

Sanjak

16. On 20 January, the Co-Chairmen met representatives of the Muslim community in the Sanjak led by Mr. Ugljanin, President of the Muslim National Council of the Sanjak, to discuss the problems of the Muslim community. This followed up on the visit of Ambassador Masset to the Sanjak in October 1993.

Vojvodina

17. Ambassador Masset visited the Vojvodina in July 1993, where he met with leaders of the Croat and Hungarian communities, as well as the Serbian authorities, to discuss the problems of minorities in the area. Ambassador Masset also raised these problems with the federal and republican authorities in Belgrade.

V. WORKING GROUP ON SUCCESSION ISSUES

18. Two sessions of the Working Group on Succession Issues took place in Geneva, on 10 to 12 May and on 27 to 29 September 1993. A number of advisory opinions have also been given by the Arbitration Commission relating to several State succession issues. At the September meeting, Ambassador Jorgen Bojer was succeeded by Ambassador Alf Jonnson as Chairman of the Working Group. Depending on the outcome of bilateral consultations the Chairman is carrying out with the parties, the next Working Group session is expected to take place in late February 1994.

19. The meetings were well attended, with 25 to 30 experts participating. Both the May and the September meetings focused on succession in respect of archives and legal questions concerning the definition of the objects of succession.

20. As regards archives, the Working Group discussed in depth, at both meetings, the principles regulating the definition of archives and choice of legal rules applicable. Although the parties reserve their positions as regards these questions, a parallel process relating to the preservation and utilization of archives has started. A technical meeting jointly sponsored by the Commission of the European Community and the Austrian State Archives took place in Vienna from 13 to 17 November 1993, on security microfilming and preservation of archives concerning the succession of the former Yugoslavia. The meeting met with some success, with delegations from all five former Yugoslav States attending.

21. A common archives action plan, covering microfilming, protection and preservation of endangered archives in the former Yugoslavia, especially in Bosnia and Herzegovina, was agreed upon. The right of free access to all

federal and republican archives was again explicitly recognized. In the course of the meeting each of the five delegations:

(a) Set out its priorities as to which archives should be microfilmed and protected;

(b) Expressed its readiness to exchange microfilms, particularly in the interests of State succession;

(c) Indicated its requirements regarding basic equipment (cameras, etc.), materials (microfilms, chemicals, etc.), technical assistance (management and control) and staff training.

There was general agreement on the need to set up five security microfilming units, working to European and international standards, one in each of the five States, as an indispensable first step to ensure the action plan's implementation. The initial outlay to establish the five units will probably be in the order of 3 to 5 million European currency units, with which the international community will be asked to assist. Operating expenses would then be assumed by the different republics.

22. As regards the definition of State property, an inventory of assets to be divided was drafted by four of the five delegations, with one delegation, "the Federal Republic of Yugoslavia", not being present at that particular meeting. There were divergent views as to whether it was necessary to have a jointly accepted definition of State property first on whether an inventory could be started immediately. The September meeting of the Working Group did not achieve a consensus on this issue.

23. The Chairman decided that, before a new full meeting of the Working Group could be called, bilateral consultations would be necessary. The members of the delegation arguing the necessity of a jointly agreed definition agreed in bilateral consultations with the Chairman to the following:

(a) They would retain their position on the necessity for a definition;

(b) Nevertheless, they would, using their proposed definition as a working hypothesis, draw up an itemized list additional to the inventory already being worked out by the other parties.

24. With a view to allowing all the parties to see the maximum content of an inventory in order to prepare the ground for further negotiations, it was agreed that no new initiatives should be launched in the Working Group until the new list additional to the inventory had emerged. This should happen some time in early or mid-February, after which a full round of negotiations may be foreseen for the end of February 1994.

25. It has also been agreed by the parties in the Working Group that one should, to the extent possible, avoid the difficult questions relating to succession terminology, such as succession/secession/continuation, by using neutral language, i.e., the names of the States involved.

VI. WORKING GROUP ON ECONOMIC ISSUES

26. The Working Group on Economic Issues is chaired by Mr. J. Durieux. The Group last met on 17 February and on 23 March 1993 to consider a proposal for a high-level conference on the economic future of the countries of former Yugoslavia. Successive drafts of a document concerning the purpose and objectives of such a conference, exploring the different angles of a comprehensive reconstruction process, had previously been submitted to the Group and discussed by it. It was agreed, however, that the project could go forward only after there had been some advance in the peacemaking process.

27. At the 23 March session, the Chairman's report on an inventory for State succession, which had been submitted to the Co-Chairmen the previous month, was again discussed.

28. When the Working Group next reconvenes, foremost on its agenda will be the reconstruction and development issue. Planning for reconstruction is already under way in various forums. The Group will be considering some organizations aspects of a reconstruction process.

VII. WORKING GROUP ON CONFIDENCE- AND SECURITY-BUILDING AND VERIFICATION MEASURES

29. In January 1993, Ambassador Berasategui, the then Chairman of this Working Group, after consultation with the Co-Chairmen, deferred further work pending the outcome of the negotiations on Bosnia and Herzegovina. Following the agreement of the Bosnian parties on 19 January 1994 to implement confidence-building measures, Brigadier-General Pellnäs will travel to Split on 24 January for initial discussions with the Parties and, in the light of his report, the Co-Chairmen will decide on the future activities of the Group.

VIII. ARBITRATION COMMISSION

30. Advisory opinions Nos. 11 to 13, issued by the Arbitration Commission on succession issues, were reproduced in document S/26233, appendix VI. Opinions Nos. 14 and 15, issued on 13 August 1993, also on succession issues, are reproduced in appendices II and III below.

Appendix I

AGREED MINUTES

The Macedonian Minister of the Interior, Mr. Ljubomir Frckovski, met in Skopje on 27 August 1993 with a representative of Serbs in Macedonia, Mr. Boro Ristic. The meeting was chaired by Ambassaador G. Ahrens of the International Conference on the Former Yugoslavia, who was accompanied by Mr. A. Ritz and Mr. S. Coutinho. A representative of the CSCE Mission in Skopje, Mr. J. Gerasimov, was also present. The meeting recorded the following undertakings and understandings.

1. The government representative declared that the Serbian nationality will be treated completely equally with other nationalities living in Macedonia. The Government and the representative of the Serbs from Macedonia agreed to support consistent implementation in Macedonia of all rights formulated and made effective by the Charter of the United Nations and by the Conventions formulated under its auspices, as well as CSCE's, the Hague Declaration, the Charter of Paris and other instruments, especially the document of the Copenhagen Meeting on the Human Dimension.

2. The Serb representative declared that the Serbs in Macedonia would fulfil their aspirations only within the framework of the existing Republic of Macedonia.

3. The government representative declared that the Government is, in principle, prepared to satisfy the request of the Serbs to be mentioned in the preamble and in article 78 of the Macedonian Constitution and that in the meantime the Government would interpret the Macedonian Constitution as if the Serbs had been mentioned in the preamble and in article 78. Consequently, their constitutional status will be equal in every respect to that of the other nationalities listed in the Constitution. The Serb representative insisted that the Government, within 18 months, start and finish the process in Parliament which will make the constitutional position of the Serbs equal to that of all other nationalities already quoted in the Constitution and that, in case the Parliament or the Government do not accept the request of the Serbs, the Serbs in Macedonia will consider all dispositions of the present document as void.

4. The government representative declared that, according to the Law on Pre-school and Elementary Education, Serbian language instruction will be provided in each elementary school in which parents of at least 15 children make a request to that effect. For secondary schools, which according to the law are not obligatory, the Government declared that Serbian language instruction will be provided if at least 25 pupils make a request to that effect. The CSCE representative declared the readiness of his organization to monitor the expressions of choice by the parents, if so requested by either the Government or the parents, so that undue pressures be avoided. The Serb representative requested that the announcements for the admission of pupils to secondary schools (gymnasiums) specifically mention that instruction would be in the Serbian language in the following classes:

/...

(a) Two classes in Skopje;

(b) Two classes in Kumanovo;

(c) One class or some other secondary school in Negotino or Kavadarci.

The Government is obliged to provide textbooks and other auxiliary teaching tools to the classes conducted in Serbian.

5. The government representative declared that the Government will guarantee to the Serbs in Macedonia constitutional religious freedom, including the freedom of choice of church.

6. The government representative declared that Serbian language media will be supported in the same way as the media of other nationalities.

7. The government representative announced that in April 1994 a national census would be conducted in Macedonia, monitored by a panel of international experts headed by the Chairman of the European Population Committee of the Council of Europe. The Serb representative took note of this with satisfaction and promised full cooperation.

8. The government representative declared that the Government will take measures to protect historical monuments as well as the cultural inheritance of the Serbs in Macedonia and will help and support cultural organizations and institutions of the Serbs in Macedonia on an equal basis with the other nationalities.

9. The government representative announced that, to facilitate the implementation of the undertaking in paragraph 1 of these Minutes, the Government will promptly submit a request to the Council of Europe for assistance in the earliest possible implementation of the human rights protection mechanism for non-member States provided for in resolution 93 (6) of the Committee of Ministers of the Council. This mechanism is to bridge the period until Macedonia becomes a full member of the Council of Europe.

The International Conference on the Former Yugoslavia delegation stated that it considered these undertakings and understandings as reflecting the requests and complaints put before the International Conference on the Former Yugoslavia by the Serbs from Macedonia. The International Conference on the Former Yugoslavia was prepared to discuss any problems arising in the course of

implementing these undertakings and understandings, should either party so request.

For the Government:

(Signed) Ljubomir FRCKOVSKI

For the Serbs:

(Signed) Boro RISTIC

Witnessed by:

(Signed) Geert AHRENS
(International Conference on the Former Yugoslavia)

(Signed) Jakov GERASIMOV
(Conference on Security and Cooperation in Europe)

Appendix II

ARBITRATION COMMISSION

Opinion No. 14

On 20 April 1993, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia referred six questions to the Chairman of the Arbitration Commission, seeking the Commission's opinion.

Question 1 was:

"In the light of the inventory in the report by the Chairman of the Working Group on Economic Issues, what assets and liabilities should be divided between the successor States to the former Socialist Federal Republic of Yugoslavia in connection with the succession process?"

On 12 May 1993, the Co-chairmen of the Steering Committee of the International Conference transmitted to the Chairman of the Commission a declaration by the Government of the Federal Republic of Yugoslavia raising a number of objections to the reference to the Commission. The members of the Commission unanimously adopted a document reacting to the assertions made by the Federal Republic of Yugoslavia. This was addressed to the Co-Chairmen of the Steering Committee of the International Conference on 26 May 1993. None of the States parties to the proceedings has contested the Commission's right to answer questions referred to it.

The Commission has taken cognizance of the memorandum, observations and other materials communicated by Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia, which have been passed on to all the successor States to the Socialist Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia has submitted no memorandum or observations on the questions referred.

1. The Arbitration Commission notes that the Draft Single Inventory of the Assets and Liabilities of the Socialist Federal Republic of Yugoslavia as at 31 December 1990 drawn up by the Working Group of the International Conference on the Former Yugoslavia on 26 February 1993 divides the assets and liabilities into two categories: agreed items and non-agreed items.

As the Commission recalled in opinion No. 9, the first principle applicable to State succession is that the successor States should consult with each other and agree on a settlement of all questions relating to the succession.

Assets and liabilities listed in the Inventory of 26 February 1993 upon which the successor States have reached agreement should accordingly be divided between them.

2. As regards non-agreed items, the Arbitration Commission considers that it does not have sufficient information on which to base a decision as to each asset and liability listed in the Inventory. Moreover, it considers that these

are not legal issues which it could profitably seek to resolve as part of its consultative remit and that it should confine itself to determining the general principles to be applied.

3. The Commission would nevertheless draw attention to the well-established rule of State succession law that immovable property situated on the territory of a successor State passes exclusively to that State. Subject to possible compensation if such property is divided very unequally between the successor States to the Socialist Federal Republic of Yugoslavia the principle of the locus in quo implies that there is no need to determine the previous owner of the property: public property passes to the successor State on whose territory it is situated. The origin or initial financing of the property and any loans or contributions made in respect of it have no bearing on the matter.

4. As regards other State property, debts and archives, a commonly agreed principle to be found in several provisions of the Vienna Convention of 8 April 1983 on the Succession of States in respect of State Property, Archives and Debts requires that they be divided among the successor States to the Socialist Federal Republic of Yugoslavia if, at the date of succession, they belonged to the Socialist Federal Republic of Yugoslavia, and the question of the origin and initial financing of the property, debts and archives, or of any loans or contributions made in respect of them, is irrelevant.

5. To determine whether the property, debts and archives belonged to the Socialist Federal Republic of Yugoslavia, reference should be had to the domestic law of the Socialist Federal Republic of Yugoslavia in operation at the date of succession, notably to the 1974 Constitution.

There are, however, two particular problems arising from the federal structure of the Yugoslav State and from the concept of "social ownership", a concept which, while it does exist in other countries, was particularly highly developed in the Socialist Federal Republic of Yugoslavia.

6. On the first point, there is no doubt that the 1974 Constitution transferred to the constituent republics ownership of many items of property, which in consequence cannot be held to have belonged to the Socialist Federal Republic of Yugoslavia whatever their origin or initial financing.

7. As for "social ownership" it was held for the most part by "associated labour organizations", bodies with their own legal personality, operating in a single republic and coming within its exclusive jurisdiction. Their property, debts and archives are not to be divided for purposes of State succession: each successor State exercises its sovereign powers in respect of them.

If and to the extent that other organizations operated "social ownership" either at federal level or in two or more republics, their property, debts and archives should be divided among the successor States in question if they exercised public prerogatives on behalf of the Socialist Federal Republic of Yugoslavia or of individual republics. On the other hand, organizations operating at federal level or in two or more republics but not exercising such prerogatives should be considered private-sector enterprises to which State succession does not apply.

8. The answer to the question referred is without prejudice to whatever compensation might be necessary to achieve an equitable overall outcome.

9. Should the application of these principles or the determination of the ownership of an item of property at the date of State succession give rise to problems, it would be for the States concerned to resort to arbitration or some other mode of peaceful settlement of their disputes, but it does not behove the Arbitration Commission in the exercise of its consultative function to detail what rules would apply to a particular contentious issue between States emerging from the dissolution of the Socialist Federal Republic of Yugoslavia.

10. The Arbitration Commission consequently takes the view that the assets and liabilities to be divided between the successor States to the Socialist Federal Republic of Yugoslavia for purposes of State succession are (a) those which the successor States are agreed in regarding as being such and (b) the State property, debts and archives, which at the date of State succession belonged to the Socialist Federal Republic of Yugoslavia in accordance with the law in operation there, excluding property belonging to individual republics or to "associated labour organizations" depending on them.

Paris, 13 August 1993

Appendix III

ARBITRATION COMMISSION

Opinion No. 15

On 20 April 1993 the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia referred six questions to the Chairman of the Arbitration Commission, seeking the Commission's opinion.

Question 5 was:

"(a) In view of the dissolution of the Socialist Federal Republic of Yugoslavia, is the National Bank of Yugoslavia entitled to take decisions affecting property, rights and interests that should be divided among the successor States to the Socialist Federal Republic of Yugoslavia in connection with State succession?

"(b) Have the central banks of the States emerging from the dissolution of the Socialist Federal Republic of Yugoslavia succeeded to the rights and obligations of the National Bank of Yugoslavia deriving from international agreements concluded by the latter, in particular the 1988 financial agreement with foreign commercial banks?"

On 12 May 1993 the Co-Chairmen of the Steering Committee of the International Conference transmitted to the Chairman of the Commission a declaration by the Government of the Federal Republic of Yugoslavia raising a number of objections to the reference to the Commission. The members of the Commission unanimously adopted a document reacting to the assertions made by the Federal Republic of Yugoslavia. This was addressed to the Co-Chairmen of the Steering Committee of the Conference on 26 May 1993. None of the States parties to the proceedings has contested the Commission's right to answer questions referred to it.

The Commission has taken cognizance of the memorandum, observations and other materials communicated by Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia, which have been passed on to all the successor States to the Socialist Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia ha submitted no memorandum or observations on the questions referred.

While they are linked, questions 5 (a) and 5 (b) are distinct enough to be answered separately.

A. Question 5 (a)

1. Although municipal laws are merely facts in international law (Certain German Interests in Polish Upper Silesia, 1926 PCIJ, Ser. A, No. 7, 12), account must nevertheless be taken of the structure and responsibilities of the National Bank of Yugoslavia as set out in the Socialist Federal Republic of Yugoslavia

Constitution of 21 February 1974 and in the National Bank of Yugoslavia statute of November 1989.

As the bank of issue of the Socialist Federal Republic of Yugoslavia, the National Bank of Yugoslavia participated in the exercise of the prerogatives of sovereignty. Moreover, as a composite of banking institutions - central, republican and provincial - it was responsible for carrying out common currency issue, credit and foreign exchange policy, and it had close institutional relations with Parliament.

The National Bank of Yugoslavia, then, partook of the State power of the Socialist Federal Republic of Yugoslavia, whose dissolution led simultaneously to the disintegration of the collective structure of the National Bank of Yugoslavia.

2. None of the organs of the National Bank of Yugoslavia, therefore, can take legitimate decisions in respect of property, rights and interests that should be divided among the successor States to the Socialist Federal Republic of Yugoslavia.

No decision in such matters taken by the Governor of the National Bank of Yugoslavia on his own authority would have any legal validity once the former collective organization has ceased to exist.

3. Only if, outside the pre-existing institutional framework, collaboration between the central banks of the States emerging from the dissolution of the Socialist Federal Republic of Yugoslavia had continued could the National Bank of Yugoslavia be considered to be a coordinating agency acting on their behalf for purposes of jurisdictio inter volentes to effect - rather than obstruct - the division of the property, rights and interests of the former Socialist Federal Republic of Yugoslavia.

4. As this is not the case, the Arbitration Commission takes the view that the National Bank of Yugoslavia is not entitled to take decisions affecting property, rights and interests to be divided between the successor States in accordance with the principles of State succession.

B. Question 5 (b)

5. Given the answer to question 5 (a), decisions taken by the National Bank of Yugoslavia as an organ of the Socialist Federal Republic of Yugoslavia committed that State. The rights and obligations deriving from those decisions consequently pass to the successor States and must be divided among them in accordance with the principles of international law rehearsed by the Commission in opinion No. 9. This does not apply to ordinary commitments entered into by the National Bank of Yugoslavia acting as a bank with its own legal personality.

6. This distinction is applicable to rights and obligations of the National Bank of Yugoslavia deriving from international agreements it has entered into. The answer to the first part of question 5 (b) therefore depends in each case

upon the nature of the agreement and upon the National Bank of Yugoslavia's commitments.

7. However, the Arbitration Commission would underline the fact that the rights and obligations of the National Bank of Yugoslavia, as an organ of the Socialist Federal Republic of Yugoslavia, which are therefore subject to State succession (see supra, para. 5), do not pass automatically to the central banks of the States emerging from the dissolution of the Socialist Federal Republic of Yugoslavia: it is for each of the successor States to determine, by virtue of its sovereign constitutional powers, how these rights are to be exercised and these obligations discharged - rights and obligations which they may assume either directly or through their central banks.

8. As regards the financial agreement of 20 September 1988 between the National Bank of Yugoslavia and Manufacturers Hanover Limited, acting for the international creditors, the Commission would point out that the National Bank of Yugoslavia acted together with other Yugoslav banking institutions presenting themselves expressly as legal persons accepting on their own behalf the obligations deriving from the agreement (notably sects. 1.01 and 10.01) and that the parties to the agreement made the discharge of their obligations subject to the law of a third State (sect. 14.12) and, in the event of a dispute, to the jurisdiction of various ordinary Yugoslav or foreign courts (sect. 14.08).

In the event of any dispute over the interpretation or application of the agreement, it is therefore for the parties to refer it to one of the courts that have jurisdiction under the agreement itself.

9. The Commission notes, however, that the successor States to the Socialist Federal Republic of Yugoslavia have succeeded it in so far as it had assumed the obligations of guarantor under the agreement of 20 September 1988.

Should the application of this principle give rise to problems, it would be for the States concerned to resort to arbitration or some other mode of peaceful settlement of their disputes.

10. The Arbitration Commission consequently takes the view:

(a) That problems arising from the rights and obligations of the National Bank of Yugoslavia deriving from international agreements concluded by it are to be resolved by reference to the terms of the agreements and, in case of dispute, are to be referred to the appropriate courts; and

(b) That this holds good in particular for rights and obligations deriving from the financial agreement of 1988 entered into by the National Bank of Yugoslavia and other Yugoslav banking institutions with foreign commercial banks.

Paris, 13 August 1993

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S/1994/84
26 January 1994

ORIGINAL: ENGLISH

LETTER DATED 15 JANUARY 1994 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 748 (1992) CONCERNING THE LIBYAN ARAB JAMAHIRIYA

The United States of America is in full compliance with the new sanctions against the Libyan Arab Jamahiriya contained in Security Council resolution 883 (1993). The United States has maintained a comprehensive financial and trade embargo against the Libyan Arab Jamahiriya since January 1986, when President Reagan signed Executive Order No. 12543, declaring a national emergency with respect to the actions and policies of the Libyan Arab Jamahiriya, and Executive Order No. 12544, taking additional measures to block Libyan assets in the United States. President Clinton extended for another year this comprehensive embargo on 3 December 1993.

Under the United States embargo, all assets owned or controlled by the Government of the Libyan Arab Jamahiriya and subject to United States jurisdiction are frozen. Such assets currently total nearly $1 billion. All trade and financial transactions with the Libyan Arab Jamahiriya by United States persons are banned. In addition, President Clinton instructed the Secretary of Commerce on 3 December 1993 to prohibit re-exports from foreign countries to Libyan Arab Jamahiriya of products of United States origin covered by Security Council resolutions 883 (1993) and 748 (1992), including petroleum refining and transportation equipment.

The United States Government is committed to full implementation of the new United Nations sanctions regime. On 20 December 1993, the Department of the Treasury's Office of Foreign Assets Control added the Bahrain-based financial entity Arab Financial Services Company to its list of specially designated nationals of the Libyan Arab Jamahiriya as part of that Office's ongoing enforcement of the United States economic embargo against the Libyan Arab Jamahiriya and implementation of Security Council resolution 883 (1993). The Office of Foreign Assets Control froze the assets of the Arab Financial Services Company subject to United States jurisdiction, totalling nearly $80 million. Three current or past directors of the Arab Financial Services Company, all Libyans and all holding senior positions with other Libyan banking specially designated nationals also were designated by this action. The United States has determined that the Arab Financial Services Company and these individuals are

controlled by and/or acting on behalf of the Government of the Libyan Arab Jamahiriya.

Entities and individuals are named specially designated nationals of the Libyan Arab Jamahiriya under United States law because they are owned or controlled by, or have acted or purported to act, directly or indirectly, on behalf of the Government of the Libyan Arab Jamahiriya. Economic transactions by United States persons with specially designated nationals of the Libyan Arab Jamahiriya anywhere in the world are prohibited.

The United States Government has actively consulted bilaterally with a number of States on technical questions related to implementation of Security Council resolution 883 (1993) and Libyan efforts at evasion of the sanctions. We are willing to do the same with other interested States.

(Signed) Edward S. WALKER
Deputy Permanent Representative

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S/1994/85
26 January 1994

ORIGINAL: ENGLISH

NOTE VERBALE DATED 20 JANUARY 1994 FROM THE PERMANENT REPRESENTATIVE OF SWEDEN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Sweden to the United Nations presents his compliments to the Secretary-General and has, with reference to Security Council resolution 883 (1993), the honour to inform him that on 2 December 1993 the Swedish Government issued an ordinance regarding amendments to the ordinance on certain sanctions against the Libyan Arab Jamahiriya (1992:187). The Ordinance entered into force on 3 December 1993.

Under the Ordinance, as far as resolution 883 (1993) is concerned, aircraft and aircraft components as well as material and equipment for airfields may not be exported from Sweden, if their destination is the Libyan Arab Jamahiriya or they are to be imported to the Libyan Arab Jamahiriya. The prohibition does not include emergency equipment and equipment for civilian air traffic control (sects. 8 and 9). Measures and activities which are intended to promote the acts mentioned in sections 8 and 9 may not be undertaken. Such measures include maintenance and repair of the above-mentioned products as well as the transfer of Libyan aircraft and aircraft components and direct insurance of Libyan aircraft (sect. 10).

Equipment for the oil industry listed in an annex to the Ordinance may not be exported from Sweden, if their destination is the Libyan Arab Jamahiriya or they are to be exported to the Libyan Arab Jamahiriya (sects. 12 and 13). This annex is similar to the one in resolution 883 (1993). This equipment may not be supplied within the Libyan Arab Jamahiriya in the course of operations of an economic or business nature or be supplied outside that State if they are intended for operations of an economic or business nature which are controlled or conducted from that State (sect. 15). Measures and activities which are intended to promote the acts mentioned in sections 12 to 14 may not be undertaken. These measures include maintenance, repair, transfer of those products as well as transfer of inventions of such products (sect. 15).

Funds or other financial resources owned or controlled, directly or indirectly, by the Government or public authorities of the Libyan Arab Jamahiriya or any Libyan undertaking are frozen, which means that they cannot be made available for these authorities or entities. The prohibition does not include funds or other financial resources derived from the sale or supply of any petroleum or petroleum products, including natural gas and natural gas

products, or agricultural products of commodities originating in the Libyan Arab Jamahiriya and exported therefrom on 1 December 1993 or later, provided that any such funds are paid into separate bank accounts exclusively for these funds (sect. 16).

The provision of services concerning advice, assistance of training to Libyan pilots, flight engineers and aircraft and ground maintenance personnel associated with the operation of aircraft and airfields within the Libyan Arab Jamahiriya is prohibited both within and outside the Libyan Arab Jamahiriya. The prohibition does not include emergency equipment or equipment for civilian air traffic control. Furthermore, any commercial transaction with Libyan Arab Airlines is prohibited (sect. 17). Claims at the instance of the Government or public authorities of the Libyan Arab Jamahiriya in connection with contracts or other transaction or commercial operation where its performance was effected by reason of the measures imposed by resolutions may not be fulfilled (sect. 18).

As regards paragraph 7 of resolution 883 (1993), the Swedish Government has complied fully with the provisions of resolution 748 (1992).

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S/1994/86
27 January 1994

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter, dated 25 January 1994, from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, stating that Ms. Patricia Holland has been appointed alternate representative of the United Kingdom on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

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UNITED
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S/1994/87
28 January 1994

ORIGINAL: ENGLISH

LETTER DATED 27 JANUARY 1994 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with the provisions of paragraph 5 of Security Council resolution 771 (1992) and paragraph 1 of Security Council resolution 780 (1992), I have the honour to submit herewith an additional document concerning violations of international humanitarian law on the territory of the former Yugoslavia.

The enclosed document lists alleged violations of international humanitarian law by the army of Bosnia and Herzegovina against the Croatian population and prisoners-of-war in Bosnia and Herzegovina.

May I request your kind assistance in circulating this letter and its annex as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

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Annex

DOCUMENTATION OF MUSLIM WAR CRIMES AGAINST THE CROAT POPULATION IN BOSNIA AND HERZEGOVINA

The Head of the Commission for Human Rights Violations and Humanitarian Aid Efforts before the Office of the President of the Croatian Republic of Herzeg-Bosnia, Mr Vladislav Pogarcic, documented in chronological order, war crimes committed by Muslim forces against Croats in Bosnia and Herzegovina.

- 29 January 1993, in the town of Gusti Grab located in the Zenica district, Muslim forces killed 5 elderly civilians. All victims were between 70 and 80 years of age.

- 23 March 1993, in the town of Orlist located in the Konjic district, Muslim forces killed 4 civilians. All victims were between 70 and 90 years of age.

- 23 March 1993, in the town of Buscak located in the Konjic district, Muslim forces killed 3 Croat civilians. Another civilian was shot as he attempted to bury his neighbor who was killed in the initial attack.

- 23 March 1993, in the town of Trusini located in the Konjic district, 15 civilians, including 3 women, were killed by Muslim forces. During the attack, Muslim soldiers used women and children as a human shield. Seven Croatian Defence Council (HVO) soldiers were forced to surrender to the Muslims. These soldiers were later shot in front on the women and children. One HVO soldier who survived the initial executions was refused any medical attention. Furthermore, there has not been any investigation regarding this incident.

- 24 April 1993, in the town of Miletici located in the Travnik district, 5 men were brutally murdered. Stipe Pavlovic was found with his eyes gouged out, Pranjo Pavlovic was decapitated and two others were strangled with chains. The culprits forced the victims to drink their own blood before being killed.

- 27 April 1993, in the town of Bilivode located in the Zenica district, 3 elderly civilians were killed when their house was set ablaze by Muslim soldiers.

- 27 April 1993, in the town of Susanj located in the Zenica district, 10 civilians were lined up and gunned down by automatic rifle fire. Anto Markovic, an invalid set to be evacuated, was gunned down while waiting in an automobile.

- 8 June 1993, in the town of Maljine located in the Travnik district, Muslim extremists, including Mudzahedin, entered and scorched the town. Retreating residents, which included 11 civilians (7 wounded) and 3 soldiers, were later

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rounded up and killed. The same Mudzahedin group was responsible for the murder of 38 prisoners in the village of Bikosc.

- 11 June 1993, exploding mortar shells in the town of Vitez killed 8 children and wounded a further 20.

- 11 June 1993, in the town of Drc novik in the Kakanj district, civilians seeking shelter came under attack by Muslim forces. Eight civilians were killed and 9 wounded in front of several witnesses and two UNPROFOR vehicles.

- 16 June 1993, Muslim forces attacked a humanitarian convoy in the Busovača district. During the attack, 14 civilians, 8 HVO soldiers and a medical technician were killed, and 18 civilians were wounded.

- 15 July 1993, in the town of Mostar, Muslim soldiers threw 16 civilians into a burning building.

- 27 July 1993, Muslim forces entered and scorched the town of Doljani located in the Jablanica district. Thirty-seven people were massacred and a further 190 were taken and imprisoned, including 21 children under the age of five, 42 children from the ages of five to fifteen, and 10 pregnant women. This tragedy was uncovered on 1 August 1993.

- 16 August 1993, in the town of Kiseljak located in the Žepče district, Muslim extremists massacred 43 people in cold blood. Most victims were killed by knives and other non-firearm weapons.

- 13 September 1993, in the town of Mostar, Muslim forces killed 5 civilians and seriously wounded 20 others, including 7 children from the ages of four to eleven.

- 14 September 1993, in the town of Uzdol in the Prozor district, Muslim forces massacred more than 40 civilians, predominately women and the elderly.

- 25 September 1993, in the town of Grabovica located near Mostar, a Muslim commando unit massacred 38 civilians. Three Muslim women were also killed as they tried to aid their Croat neighbors.

- 4 November 1993, in the town of Vinište located in the Zavidovici district, a Muslim commando group including individuals from Arab countries, killed an invalid and another civilian in front of his family.

- 13 November 1993, two priests were murdered by Muslim soldiers in the catholic monastery near Fojnica.

- 22 December 1993, in the town of Križančevo selo located in the Vitez district, 74 people were massacred and dumped in a mass grave near Počulice; on 8 January 1994, the murder of 27 individuals from this number was confirmed in a UNPROFOR report. Hitherto, of the entire group only 15 HVO soldiers have been identified.

The atrocities listed in this chronology are only those which have confirmed and documented proof. Other atrocities committed by Muslim forces against Croats in Bosnia and Herzegovina which have yet to be conformed by an independent source can be obtained from the Commission for Human Rights Violations and Humanitarian Aid Efforts before the Office of the President of the Croatian Republic of Herzeg-Bosnia.

Mostar, 14 January 1994

UNITED
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Security Council

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GENERAL

S/1994/88
26 January 1994

ORIGINAL: ENGLISH

LETTER DATED 26 JANUARY 1994 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On behalf of my Government I have to appeal to you once more concerning the critical situation, which has been created in Georgia due to the military actions in one of its regions, in Abkhazia.

As a result of war in the region, the economic situation of the Republic of Georgia has reached its critical level, hundreds thousands of homeless refugees have faced a lot of different problems and still there is no evident sign of the improvement of their situation.

My people highly appreciates the support provided by a number of States and international institutions, as well as your personal assistance. Nevertheless, we should admit that these efforts are not sufficient.

We stress the fact that after ethnic cleansing of local population, the situation in areas of Abkhazia left by refugees remains under a strict control of illegal non-guided formations. The cases connected with violent occupation of apartments and local residential buildings, burnings are still taking place in the area, as it is noted in the report, directed to you by the Fact-finding Mission for investigation of facts of human rights violations in Abkhazia, the Republic of Georgia (S/26795).

This situation can create a serious basis for not-controlled actions of approximately 300,000 refugees and displaced persons who have escaped executions, torture and humiliation. We can become the witnesses to the new tragic consequences of the conflict if the World Community does not react and adopt a number of extraordinary measures.

The peaceful efforts of the United Nations clearly expressed by the decisions of the Security Council, as well as the agreements reached by the parties in Geneva have a chance to be nullified.

The leadership of the Republic of Georgia realizes the fact that the deployment of Peace-keeping Forces in the zone of conflict is closely connected with the solution of serious problems, at the same time, it is also obvious, that this is the only possible way to reach the stability in the region and create a real ground for overwhelming political settlement of the conflict, including the determination of the political status of Abkhazia.

The Georgian leadership has been proving many times its readiness to settle the conflict by political means, following the previous agreements, but the latest events have confirmed the fact that all kinds of agreements cannot be activated and have a positive influence without a real contribution of the World Community.

Take into account these circumstances and facing a real danger of a new wave of violence in the area, the Government of Georgia calls the World Community to assist in deployment of a full-scale Peace-keeping Operation throughout the whole territory of the Abkhazian region by the United Nations forces or other units authorized by the United Nations if this problem is not solved in the nearest time. As you are aware, this approach is fixed in the text of the Communiqué of the Second round of negotiations held in Geneva.

We strongly believe that only this step will ensure the fulfilment of the decision pointed in the Communiqué concerning the restoration of law and order in the region, disarmament and withdrawal of various formations, provision of humanitarian aid, returning of refugees in order to carry out the main task - political settlement of the conflict and status of Abkhazia.

Referring to the provisions of the Communiqué and also taking into consideration the understanding of this request by the Russian leadership, its direct interest to prevent the escalation of the conflict out of the territory of Georgia and finally stabilize the situation in the whole region, the Georgian leadership welcomes the readiness of Russia to take part in the Peace-keeping Operation in Abkhazia with this regard. The Russian peace-keeping units can be further strengthened by the forces from other States with the participation of the United Nations military observers according to the decision of the Security Council. We consider that it is also important "to deploy appropriate civilian experts who will assist in resolving the problems of refugees and other humanitarian issues" (Communiqué on the Second round of negotiations between the Georgian and Abkhaz sides in Geneva).

The proposal connected with the Russian peace-keeping involvement in the region has been pointed out in the joint letter addressed to you by the Ministers of Foreign Affairs of Russia and Georgia dated 7 September 1993. But due to some reasons we have not received a reply on it. Despite some deviation from usual way and procedure of the United Nations peace-keeping operations, we believe, that the realization of this approach could prevent the recent tragic events, including the death of peaceful citizens, tremendous number of refugees and displaced persons, destruction of cities and villages and other violations.

The leadership of the Republic of Georgia welcomes the steps taken by the Secretary-General to establish a special voluntary fund whose resources will be provided for assistance to the victims of the conflict and for restoration of infrastructure and vital life support systems as well as for financial support of peace-keeping activities of the military forces involved in the operation.

The leadership of the Republic of Georgia strongly believes that you, Your Excellency and the Security Council will consider the ideas and proposals contained in this letter with an understanding and expresses once more a deep gratitude and appreciation of the people of Georgia for the humanitarian

assistance as well as for the efforts directed to the restoration of justice and peace on Georgian land.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Dr. Peter CHKHEIDZE
Permanent Representative
Ambassador Extraordinary
and Plenipotentiary

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S/1994/89
28 January 1994

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OPERATION IN MOZAMBIQUE

INTRODUCTION

1. The present report is submitted in response to paragraph 13 of Security Council resolution 882 (1993) of 5 November 1993, which requested me to report on whether the Government of Mozambique and the Resistência Nacional Moçambicana (RENAMO) had made sufficient and tangible progress towards implementing the timetable concerning the major provisions of the general peace agreement for Mozambique signed on 4 October 1992 in Rome (see S/24635, annex). The Council requested me to report on the situation regarding the implementation of the mandate of the United Nations Operation in Mozambique (ONUMOZ), taking into consideration the need to achieve cost savings to the greatest extent possible, while remaining mindful of the importance of the effective discharge of the mandate.

2. My recommendations on the planned deployment of the ONUMOZ police contingent are contained in an addendum to the present report (S/1994/89/Add.1).

I. POLITICAL DEVELOPMENTS AND DEMOBILIZATION OF TROOPS

A. General

3. A number of important developments have taken place since my report to the Council of 1 November 1993 (S/26666). Most importantly, the long-awaited assembly of troops began on 30 November 1993, and the dismantling of paramilitary forces, militia and irregular troops was initiated on 12 January 1994. The Electoral Law was approved by the Mozambican National Assembly on 9 December 1993, and the National Elections Commission was appointed on 21 January 1994. The National Commission for Administration, the National Police Affairs Commission and the Commission for Information were appointed on 17 November 1993. The President of Mozambique, Mr. Joaquim Chissano, and Mr. Afonso Dhlakama, President of RENAMO, who now maintains permanent residence in Maputo, have met on numerous occasions.

4. On several occasions the two leaders have successfully overcome deadlocked situations in the ongoing negotiations, and their cooperation has led to the timely implementation of many activities called for in the timetable. With the initiation of the cantonment of troops, the peace process has entered into a new phase. However, major problems still remain to be resolved in the immediate future. These include the opening of the remaining 14 assembly areas; initiation and subsequent completion of the actual demobilization; transfer of weapons from assembly areas to regional warehouses; dismantling of the paramilitary forces; provision of financial support for the transformation of RENAMO from a military movement into a political party; and formation of a well-functioning national defence force.

B. Assembly and demobilization of troops

5. Paragraph 5 of Security Council resolution 882 (1993) urged the parties to commence assembly of troops in November 1993 and to initiate demobilization by January 1994 with a view to ensuring the completion of the demobilization process by May 1994 in accordance with the timetable signed by the two parties in October 1993. On 30 November 1993, following a series of lengthy negotiations, troop cantonment formally commenced after the ratification by the Supervision and Monitoring Commission of the document entitled "Declaration regarding the opening of assembly areas pursuant to the general peace agreement for Mozambique". In accordance with the agreement, the initial 20 of the total 49 assembly areas were opened (12 for the Government and 8 for RENAMO), and the assembly of troops ensued. Fifteen additional assembly areas were opened on 20 December 1993. The opening of the remaining 14 sites, which was scheduled for 31 December 1993, has been delayed by a dispute between the two parties over control of the locations proposed for assembly areas in Salamanga and Dunda.

6. During the initial stages of cantonment, government troops assembled in much larger numbers than RENAMO troops. This trend was reversed by mid-December 1993. At this stage, RENAMO has assembled a much larger proportion of the total number of troops than the Government. As of 24 January 1994, 16,609 soldiers have checked into the assembly areas, 9,895 from the Government and 6,714 from RENAMO. This represents 30 per cent of the total number of soldiers expected in the 35 sites open, 22 per cent of the government soldiers and 58 per cent of RENAMO's soldiers. The current imbalance has grown significantly in January 1994, as only a limited number of government soldiers have arrived at the assembly areas during the first half of the month. Although there is evidence that the movement of government soldiers has quickened during the second half of January 1994, such movement is still not sufficient to achieve a better balance.

7. Arms collection has started in most assembly areas. In many cases, however, soldiers arrived in the assembly areas with less than one weapon per soldier on the average, and those weapons were often old and in poor condition. As of 24 January 1994, 11,382 government and 6,200 RENAMO weapons had been registered by ONUMOZ military observers. The transfer to regional warehouses of weapons collected in assembly areas has been delayed owing to political problems raised by the Government at the beginning of the process and subsequently by RENAMO. Storage-capacity for arms in the assembly areas is by now far exceeded,

leaving weapons to be stored at unsafe locations and placing at risk not only government and RENAMO soldiers but also United Nations personnel.

8. The movement of soldiers into the assembly area was planned to take place in stages, in careful coordination with the demobilization process, as most assembly areas have the capacity to accommodate only 30 to 50 per cent of the total number of troops at a time. The massive influx of RENAMO troops has led to overcrowding in some areas (almost 211 per cent of capacity at one camp), resulting in shortages of food and other essential items, inadequate lodging and storage facilities and potential health hazards. Delays in the selection of those soldiers who are to be demobilized and those who are to join the new army further prolong the stay of troops in the assembly areas, thus compounding already existing problems. Food shortages also occurred in assembly areas when the Government did not honour its commitment to supply these areas with dried meat, dried fish and salt. In order to resolve this problem, my Special Representative, Mr. Aldo Ajello, sought support from the World Food Programme (WFP) and the donor community. As a result, WFP increased the rations of basic food items by an average of 25 per cent and the Swedish Government made available US$ 200,000 to cover the provision of the immediate meat and fish needs for the RENAMO assembly areas, while the Government confirmed its commitment to supplying its own assembly areas.

9. There have been a number of incidents of rioting by government soldiers in assembly areas and other locations over demands for back pay. These riots resulted in injuries and the death of two civilians. However, the incidents were resolved as soon as the Government provided the outstanding payments.

10. It was initially planned to provide civilian clothing to the demobilized soldiers at the time of their departure from the assembly areas, while the soldiers who would join the new army would have received only uniforms. However, most of the RENAMO soldiers arrived at the assembly areas literally dressed in rags and hence it became necessary to provide them with clothing at an earlier stage. The Italian Government helped to solve this problem by committing itself to provide civilian clothes for the Government and RENAMO troops who will be joining the new army. This allowed ONUMOZ to distribute clothes immediately to all the assembled RENAMO soldiers from the existing stocks of civilian clothes.

11. There have been delays in the dismantling of the militia and paramilitary forces, which was scheduled to begin simultaneously with assembly and demobilization of troops. There are approximately 155,600 government military and paramilitary troops in Mozambique, far outnumbering the approximately 80,000 regular government forces. After several attempts to set a deadline for the beginning of this process, the dismantling of the paramilitary groups was initiated on 12 January 1994. The Cease-fire Commission is overseeing the dismantling of the irregular armed groups. This process is very complex and extremely demanding logistically, as the armed elements are widely scattered throughout the country. In addition to the above, there are a total of 15,051 unassembled troops (14,734 for the Government and 317 for RENAMO) in Mozambique according to the information presented by the parties. These troops will not go through the assembly areas but will be demobilized at their present locations.

c. Preparation for elections

12. In paragraph 3 of its resolution 882 (1993), the Security Council once again reaffirmed the vital importance it attaches to the holding of elections no later than October 1994. In my previous report (S/26666), I informed the Security Council that agreements had been reached between the Government and RENAMO during my visit to Mozambique from 17 to 20 October 1993, which broke the deadlock on the issues of the composition and chairmanship of the National Elections Commission that had paralysed the debate on the draft electoral law. Subsequent discussions, however, reached an impasse over four other questions: (a) voting rights for expatriate Mozambicans; (b) composition of the provincial and district elections commissions; (c) composition of the Technical Secretariat for Electoral Administration, which will be responsible for the organization of the electoral process; and (d) establishment and composition of an electoral tribunal to serve as final arbiter in all disputes arising from the electoral process.

13. On 26 November 1993, a consensus on the above questions was finally reached after a number of meetings were held between President Chissano and Mr. Dhlakama in consultation with my Special Representative. It was agreed that:

(a) The National Elections Commission would decide whether it was feasible to organize polling for expatriate Mozambicans;

(b) The provincial and district elections commissions would have a chairperson appointed by the Government, a deputy chairperson appointed by RENAMO and one representative from other political parties, with the United Nations represented at the provincial level by two observers;

(c) The Technical Secretariat for Electoral Administration would have a Director-General appointed by the Government and two deputy directors to be nominated by RENAMO and the other opposition parties, respectively. The staff of the Technical Secretariat will be composed of 50 per cent government, 25 per cent opposition and 25 per cent United Nations personnel;

(d) A five-member Electoral Tribunal would be established, composed of two Mozambican judges and three international judges proposed by the United Nations.

14. Following these agreements, the Electoral Law was approved by the Mozambican National Assembly on 9 December 1993, nine days later than envisaged in the timetable. It was promulgated by President Chissano shortly thereafter and entered into force on 12 January 1994. The members of the National Elections Commission were appointed on 21 January 1994 and are now in the process of selecting a suitable chairperson. The general peace agreement, in protocol III, paragraph 7 (a), prescribes that the National Elections Commission shall guarantee the distribution to all parties, without discrimination, of the available subsidies and logistic support for the election campaign. The establishment of a trust fund to support all parties in the electoral process is thus contingent on the functioning of the National Elections Commission.

II. MILITARY ASPECTS

A. Deployment of the military component

15. There have been no significant changes in the deployment of the ONUMOZ military elements since my last report to the Security Council (S/26666). The rotation of contingents from Argentina, Botswana, Italy, Japan, Portugal, Uruguay and Zambia was completed smoothly. As of 24 January 1994, against an authorized strength of 6,979, the total strength of the military component, including support elements, was 6,239, with contributions from the following countries:

Argentina	40
Bangladesh	1 433
Botswana	755
Brazil	3
India	919
Italy	1 022
Japan	53
Netherlands	11
Portugal	284
Uruguay	845
Zambia	874

The above figures include 22 military personnel from Bangladesh currently on loan to the United Nations Assistance Mission for Rwanda (UNAMIR) and 1 in New York.

16. United Nations forces continued to carry out extensive operational activities throughout the country. The security of corridors and main roads is being ensured by regular road and aerial patrol as well as by vehicle and train escorts provided by United Nations forces. Furthermore, they are providing security to oil-pumping stations, airports, United Nations warehouses and ONUMOZ headquarters and, more recently, to temporary and permanent arms depots. United Nations forces are also contributing to humanitarian activities in the country by providing engineering and medical assistance. The engineer units continued to conduct road repair and improvement of water supply and were called in to assist in the rehabilitation of the training centres for the Mozambican Defence Force. The increased patrolling by United Nations troops has reduced the number and intensity of banditry incidents along the main routes, especially in the southern and central regions. On several occasions, United Nations armed units successfully negotiated solutions to situations of mutiny.

17. As of 24 January 1994, 330 of the authorized total of 354 military observers were deployed with ONUMOZ. The military observers continued to conduct inspections and investigations into allegations of cease-fire violations and assisted in the establishment and preparation of assembly areas. The observers have supervised the process of cantonment of troops since its inception, including the collection and storage of the weapons and ammunition handed over by government and RENAMO soldiers.

18. Ideally, it would be beneficial to keep much of the present United Nations formed units in Mozambique until the elections are held in October 1994. I am aware, however, of the additional costs associated with the establishment of the sizeable United Nations police presence in the country, which is recommended in my separate report on this matter (S/1994/89/Add.1). At the same time, I also believe that political developments in Mozambique have evolved in such a way as to allow an increasing shift of focus from cease-fire arrangements to general verification of police activities in the country and the respect of civil rights. But while the demobilization of troops is still proceeding, it would not be advisable to reduce the ONUMOZ military component significantly. In May 1994, when this phase will be nearly completed, I intend to begin a gradual cut-back of the Mission's military elements. The Mozambican Defence Force is scheduled to become fully operational by September 1994. By that time, the new Mozambican army will be expected to assume some of the major tasks in the transport corridors that are now performed by ONUMOZ. In my next progress report on ONUMOZ in April 1994, I intend to present to the Security Council reductions as well as estimates of corresponding cost savings.

B. Cease-fire

19. On several occasions in the past, the Council called on the Government of Mozambique and RENAMO to respect fully all provisions of the general peace agreement, in particular those concerning the cease-fire and movement of troops. It will be recalled in this connection that the guidelines for movement of troops were signed by the two parties on 23 October 1993. These guidelines have helped the Cease-fire Commission to resolve several cases of cease-fire violations related to the unauthorized movement of troops. RENAMO was for quite some time reluctant to comply with the recommendations of the Cease-fire Commission on two cases, Dunda and Salamanga, involving movement of RENAMO troops after signature of the general peace agreement. This created complications for the approval of RENAMO assembly areas at these locations as the Government was unwilling to consider the sites until RENAMO's troops had withdrawn from them. RENAMO has now removed its soldiers from Dunda but a dispute remains about the required distance of withdrawal from Salamanga.

20. During the period under review, the Cease-fire Commission received 11 notifications of alleged cease-fire violations. These cases fell into three categories: (a) illegal detention of individuals; (b) alleged movement of troops; and (c) occupation of new positions. None of these violations constituted a serious threat to the cease-fire or to the peace process. Eight cases have been fully resolved and are considered closed. In two cases, the recommendations of the Cease-fire Commission are due to be implemented shortly, while the investigation results of the last case still has to be presented to the Commission.

C. Formation of the Mozambican Defence Force

21. Some progress in this area has been made since I last reported to the Council. The training of the 540 instructors by the United Kingdom of Great Britain and Northern Ireland at the training centre at Nyanga (Zimbabwe) was

completed by 20 December 1993, and these soldiers were then transported by ONUMOZ to the Dondo training centre in Mozambique on 12 January 1994. They will work with their United Kingdom instructors in training infantry soldiers at the three Mozambican Defence Force training centres. It has been agreed that most of the first group of 5,000 soldiers (half government and half RENAMO) will be transported directly from their present locations without passing through the assembly areas. The infantry training is scheduled to begin on 8 February 1994. The French training of one company of military engineers as well as the Portuguese training of three battalions of special forces and one company of marines and provision of training for senior military officers, logisticians and administrative personnel, which should have begun in November 1993, were delayed as a result of both political and technical problems. Meanwhile, the Supervision and Monitoring Commission approved a total of 19 documents relating to the organization, operating procedures, uniforms, ranking symbols and training of the unified armed forces and other matters. These documents had been elaborated by the Government and RENAMO with substantive assistance provided by Portugal.

22. The Government informed the donor community that it was not in a position to undertake the rehabilitation of the training centres for the new army. Despite the fact that the United Nations has no mandate in this area, my Special Representative intervened in order to speed up the process of the formation of the Mozambican Defence Force, which are an essential element of the peace process. Mr. Ajello has offered all the logistical support that ONUMOZ could provide without incurring additional costs for the ONUMOZ budget and has sought options for funding among the donor community, should this be required. A task force, which included representatives from the Government, RENAMO, the three countries assisting in the formation of the new army (France, Portugal and United Kingdom) and ONUMOZ, was established by the Joint Commission for the Formation of the Mozambican Defence Force to oversee and coordinate the rehabilitation of the training centres. Meanwhile, the Portuguese Government has undertaken to rehabilitate the three centres (Nacala, Catembe and Maputo) for the provision of training by the Portuguese. The Government of Italy has offered to provide $500,000 for the rehabilitation of the remaining training centres should this be required. However, the rehabilitation of the training centres by the Government is in progress, although slightly delayed.

III. HUMANITARIAN ASSISTANCE PROGRAMME

23. The facilitation of the return and resettlement of demobilized soldiers into civilian life has been considered an important component of the humanitarian assistance programme, ever since the donors' meeting on Mozambique that was held in Rome in December 1992. Consequently, with the demobilization process well under way, the United Nations Office for Humanitarian Assistance Coordination is now focusing particular attention on its programme for the reintegration of former combatants into civilian life. Through informal tripartite discussions within the Commission for Reintegration, it has been able to secure agreement on a three-pronged strategy that will address the needs of ex-soldiers. An aspect of this strategy deals with the identification of training opportunities within appropriate institutions in Mozambique. The strategy also includes a programme designed to promote self-employment through

the provision of occupational kits and credit to qualified persons. Additionally, the strategy seeks to identify employment opportunities in the public and private sectors and the possibility of providing where necessary subsidies to the concerned entities within these sectors, in order to enable them to accept quotas of demobilized soldiers. These three programme components will be tied to an information and referral service that will function at provincial and district levels. The existing provincial commissions for reintegration provide the institutional settings for the operation of such a service.

24. Since the capacity of the Mozambican economy to absorb thousands of new job-seekers leaving military duty is severely limited, donor agencies have been exploring ways and means to ease the problems that could confront ex-soldiers. This has resulted in a proposal to extend the Government severance payment to demobilized soldiers, in support of reintegration.

25. Progress with demobilization and agreement on an election date appear to have stimulated the rate of refugee repatriation and movement of internally displaced persons. It is now estimated that about half of the 4 to 4.5 million people displaced internally by war and drought have returned to their home areas. According to current reports, 621,000 persons or 40 per cent of the original refugee population, have left camps in neighbouring countries for their home districts in Mozambique, most of them spontaneously. Assisted repatriation organized by the Office of the United Nations High Commissioner for Refugees (UNHCR) has continued from Swaziland, Zambia and Zimbabwe, as well as from Malawi, but this constitutes only a fraction of the entire movement of people. In mid-January 1994, the first organized repatriation of 208 refugees took place from South Africa, a cooperative effort of the South African authorities, UNHCR and the International Organization for Migration (IOM).

26. Internally displaced persons and returning refugees make up the bulk of the beneficiaries of free distributions of food and non-food items such as seeds and tools. As may be expected in a year when the number of beneficiaries dropped markedly following a favourable crop season that produced agricultural surpluses in some areas, it has not always been possible to manage the pipeline for food donations without prices being affected in the local cereal markets. In order to counteract the possible negative effect of free food distribution on local production, several agencies have together purchased 62,000 tons of grain from the local market. For instance, WFP alone is making available resources for the purchase of 25,000 tons from local suppliers.

27. An update of the consolidated programme of humanitarian assistance to Mozambique was made public in November 1993. Its principal concerns are the repatriation of refugees, emergency relief of food and non-food items, as well as the restoration of essential services in rural areas where the returnees and displaced people are resettling. It also includes institutional support to Mozambican agencies responsible for emergency management. The revised estimates for priority needs now stand at $609.7 million, an increase of $50 million over a figure projected earlier. This is the result of an in-depth review of requirements in the health, education and road infrastructure sectors. Similarly, donor commitments for the same period have now reached $559.4 million, a most creditable response by the international community to

Mozambican post-war needs. Of this amount, $360.8 million, or 64 per cent, has been committed to special projects that are now in the implementation process.

28. Part of the resources made available by donors as voluntary contributions has been effected through the Trust Fund account established for Mozambique by the Department of Humanitarian Affairs, mainly for programmes in the areas of demobilization, the reintegration of demobilized soldiers and demining operations, as well as for multisectoral area-based projects at district and community levels. At the end of December, cumulative pledges to the Department of Humanitarian Affairs and the United Nations Development Programme (UNDP) trust funds stood at $33 million, of which $28 million has been paid in. Project allocations from the trust funds total $20 million, an increase of $15 million since the end of October 1993.

29. Reports on 8 mine accidents since November 1993, recording 21 dead and 15 injured, clearly show that mines continue to pose serious threats to the civilian population. Following an intensive series of tripartite meetings, the national mine clearance plan of Mozambique was finally approved in December 1993 by the Cease-fire Commission. In order to set priorities for demining, a national mine survey is now being carried out by a British non-governmental organization (NGO) and this will, within approximately four months, provide high-quality information on mined roads and areas all over the country. As regards mine clearance, two additional demining efforts are about to become operational, one in the province of Sofala financed by the United States Agency for International Development (USAID) and a second in the province of Zambézia funded by the United Kingdom. This brings to four the number of mine clearance operations now in progress in Mozambique. Contract award is imminent for a fifth project financed jointly from the Department of Humanitarian Affairs Trust Fund and the ONUMOZ budget. In addition, the ONUMOZ mine clearance training centre, located in Beira, started its first course for 32 Mozambican trainees in mid-January 1994. Four demining teams, financed by the European Union, continue to clear the road from Caia to Chemba along the Zambezi river, from Gorongosa to Casa Banana and from Dombe towards Espungabera. Mine clearance in the Mutarara district of Tete Province is continuing by a Norwegian NGO with a team of Mozambican deminers that has recently been increased from 64 to 89 persons.

30. At its meeting on 22 December 1993, the Monitoring and Supervisory Commission decided to reactivate the Humanitarian Assistance Committee, which was established on 16 July 1992 under the declaration of principles guiding the provision of humanitarian assistance to Mozambique (see S/24635, annex). In accordance with the general peace agreement, the future of this Committee, which was chaired by the United Nations, was to be decided in the light of developments, but several subcommittees continued to function as needed. The reactivation of the Committee will now allow these activities to be carried out under a more formal structure.

IV. OBSERVATIONS

31. Significant progress has been made since my last report to the Council (S/26666). However, several serious problems relating to the implementation of the general peace agreement still remain to be addressed by all concerned.

32. The demobilization of the government and RENAMO troops, totalling more than 80,000 soldiers, presents a great challenge to the Mozambican economy and the peace process in the country. For the demobilized soldiers not to become a source of instability, they must have viable economic opportunities, while the troops joining the new army must be incorporated into a well-functioning institution. It should be also emphasized that the success of the proposed reintegration support programme for demobilized soldiers, to be conducted under United Nations auspices, will be entirely dependent upon the generous financial support of the international community.

33. Owing to the hardship of Mozambican army life and to the history of late or non-payment of salaries, it appears that not many soldiers are interested in joining the Mozambican Defence Force at present. In order to attract soldiers to the new army, provision will have to be made for satisfactory conditions of service, including adequate salary, an acceptable quality and quantity of food and decent accommodation. Unless these conditions are met, it would be difficult to expect that the parties would manage to provide the 30,000 personnel envisaged for the new army. I would therefore urge the Government of Mozambique to provide adequate facilities and resources for the soldiers in the Mozambican Defence Force in order to ensure the success of the formation of the new army, which is considered to be an essential element in the implementation of the general peace agreement.

34. The lack of resources available for the transformation of RENAMO into a political party also poses a threat to the peace process. At this stage, the problem has acquired a special dimension and, if left unresolved, could place the peace process in jeopardy. According to protocol III, section 7, of the general peace agreement, RENAMO is entitled to receive the financial assistance necessary to transform itself into a political party. As the Security Council is aware, the Government of Mozambique requested, through the United Nations, the support of the international community to make available the required financial resources. A United Nations-administered trust fund for a projected $10 million has been established.

35. Although this Trust Fund has alleviated some of the administrative and logistic requirements related to RENAMO's participation in the implementation of the provisions of the general peace agreement, it has not entirely solved the problem. The resources currently available are clearly not sufficient. An amount of at least $15 million is needed, as opposed to the $7.5 million currently available. Furthermore, as I indicated in my last report, there are expenditures associated with the transformation of RENAMO into a political party that cannot be easily met through a United Nations-administered Fund, on account of the rules and procedures that govern their use. In close consultation with my Special Representative and members of the donor community, I am presently exploring the possibility of setting up a more flexible funding mechanism. It is envisaged that, subject to the scrupulous and timely implementation of the general peace agreement, an appropriate monthly allowance would be provided to RENAMO under this new mechanism.

36. I am confident that, at this important juncture in the peace process, the United Nations will continue to do its utmost to assist the people of Mozambique. However, in the final analysis, it is the Mozambicans themselves

who bear the main responsibility for the success of the implementation of the general peace agreement. The timetable for implementation of the agreement is becoming increasingly tight. It is imperative that the two parties honour their commitments and cooperate closely with the United Nations in overcoming existing obstacles. I trust that the Mozambicans and their leaders are fully aware that the international community will be increasingly reluctant to continue to support this process in the event of further delays.

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OPERATION IN MOZAMBIQUE (ONUMOZ)

Addendum

Introduction

1. As members of the Security Council will recall, in my report of 10 September 1993 (S/26385/Add.1), I informed the Council that, on 3 September 1993, major agreements had been reached between the Government of Mozambique and the Resistência Nacional Moçambicana (RENAMO) as a result of the direct talks between the President of Mozambique, Mr. Joaquim Chissano, and Mr. Afonso Dhlakama of RENAMO, which took place in August/September 1993. In particular, the parties agreed to request the United Nations to monitor all police activities in the country, public or private, to monitor the rights and liberties of Mozambican citizens and to provide technical support to the National Police Affairs Commission established under the general peace agreement signed in Rome on 4 October 1992 (S/24635, annex). The proposed United Nations police contingent would be responsible for verifying that all police activities in the country are consistent with the general peace agreement. The Government agreed to provide a list of matériel in the possession of the police as well as other information necessary to verify its activities. In addition, the Government undertook to request support from the international community on a bilateral basis in order to reorganize and retrain its quick reaction police force. At that time, I indicated my intention to send a small survey team of experts to Mozambique and to inform the Security Council in due course of their findings as well as of my final recommendations about the size of the United Nations police component.

2. As members of the Council are aware, during my visit to Mozambique from 17 to 20 October 1993, police matters, among others, were thoroughly discussed with President Chissano and Mr. Dhlakama. During these discussions, I emphasized to my interlocutors the need to keep various considerations in mind in determining the scope and functions of the proposed contingent. It was stressed that both parties should adopt a cooperative approach in order to maximize the benefit of the presence of United Nations police in the country. I also emphasized that the human and financial capabilities of the United Nations were stretched to the limit; these and other factors would invariably result in delays in deployment. Having this in mind, the parties decided that the

National Police Affairs Commission would establish its subcommittees in provinces and districts where Mozambican police activities would be monitored and, if need be, supported by United Nations police observers. I believe that this arrangement could facilitate cooperation among the parties in various parts of the country during the peace process and enhance the activities of the United Nations police component on the ground.

3. It will be recalled that, in paragraph 9 of resolution 882 (1993) of 5 November 1993, the Security Council approved the deployment of 128 police observers as soon as possible. I am pleased to report that 125 observers have already arrived. These initial elements have been deployed in small teams to Maputo and to provincial capitals as an early confidence-building measure, in pursuance of the agreements described in paragraph 1 above. On 6 January 1994, liaison mechanisms between United Nations police and the National Police Affairs Commission were established. United Nations Operation in Mozambique (ONUMOZ) police observers have visited police stations in various localities to gather information on the personnel and weaponry of the Mozambican police, including that of the quick reaction police. The United Nations police component has so far investigated 14 incidents of alleged politically motivated crimes or civil rights violations. These include the abduction by RENAMO of two police officers on the pretext that they allegedly were plotting to kill Mr. Dhlakama.

4. The present report is based on the extensive work conducted by the survey team of police experts during their visit to Mozambique in October and November 1993, on the numerous consultations held by my Special Representative, Mr. Aldo Ajello, with the Government and RENAMO concerning the mandate, operational concept and size of the ONUMOZ police component, as well as on my personal observations during my visit to Maputo in October 1993.

I. BACKGROUND

5. In formulating the operational concept of the United Nations police contingent in Mozambique, I have been guided by several basic considerations. It is worth recalling that the country covers a land area of 799,388 square kilometres. It is elongated in shape, about 2,000 km from north to south and 600 km from east to west in the north and 300 km in the south. The population of approximately 16 million people had endured almost 16 years of a devastating civil war, which resulted in approximately 1 million deaths and 4.5 million refugees and displaced persons. The protracted hostilities in Mozambique have disrupted infrastructure to a great degree, contributed to the existence of armed banditry and created conditions for lawlessness in some parts of the countryside. Between May and September 1993 alone, the number of reported crimes in Mozambique included 167 homicides, 726 armed robberies and hundreds of cases of physical assault, rape, etc. Difficulties in the reporting of incidents and continued restrictions on freedom of movement in some areas would suggest that the above statistics do not present a full picture of the crime rate in the country. It is obvious that among their functions, United Nations police observers will need to encourage the Mozambican police to improve the protection of citizens and property.

6. A number of additional factors should also be taken into account. There is no efficient arms control system in place, and estimates put the total number of assorted types of weapons in "non-official" hands at approximately 1 million. Moreover, 150,000 militia and paramilitary personnel as well as millions of refugees and displaced persons will also have to be reintegrated. Despite all efforts, demobilization of the armed forces will inevitably mean the release of a number of persons who, for various reasons, will not be integrated fully into civilian life. The activities generated by the forthcoming electoral process, including the holding of public meetings, demonstrations and political debates, could deteriorate into violence. Codes of conduct governing political activities must be monitored and human rights and fundamental freedoms will have to be protected during the electoral campaign. The presence of United Nations police observers at political rallies and meetings will be essential to ensure that appropriate arrangements are carried out by the Mozambican police, not only in major provincial cities but throughout the country, including remote locations. The United Nations presence in various localities will therefore be a major confidence-building measure. On the other hand, as the process of free circulation of people and goods and the extension of the State administration gain momentum, the deployment of United Nations monitors throughout the entire territory would produce an additional stabilizing effect, which is essential for the success of the elections.

7. The current strength of the Mozambican Police (PRM) is 18,047, with the command structure of national headquarters in Maputo, 11 provincial headquarters and over 200 stations and posts in the districts. There is a quick reaction police force numbering several thousand as well as various private security companies and agencies. It should be noted that on several occasions RENAMO conveyed to my Special Representative its concern at the alleged transfer of combat-trained soldiers to various government police forces. Also, complaints of human rights abuses may increase as political consciousness is raised during the political campaign. Active monitoring by the United Nations could make a substantial contribution to quelling fears of police irregularities.

8. Against this background, it is evident that the operational plan for the United Nations police contingent in Mozambique should be designed to respond suitably to the challenging tasks it is to perform. My Special Representative has discussed with the two parties, and in particular with President Chissano and Mr. Dhlakama of RENAMO, several options for the general set up of the proposed police element of ONUMOZ. One approach might be to limit the United Nations police presence in the country to a certain predetermined number of teams in each province, totalling several hundred personnel. Another approach might involve the creation of a network covering the most remote corners of the country, an ideal but ambitious and costly arrangement. In my view, neither of these options is feasible since the former does not adequately reflect the political and security situation currently prevailing in the country, and the latter would involve untenable expense and logistic effort. In his contacts with the parties, therefore, my Special Representative concentrated on what the expert team recommended as an optimum plan for a United Nations police operation in Mozambique, as outlined below.

II. OVERALL FRAMEWORK FOR THE POLICE OPERATION

9. In accordance with the agreement reached on 3 September 1993 between the Government and RENAMO on the United Nations role in police monitoring and in accordance with the main principles governing the general peace agreement on Mozambique, it is proposed, subject to the agreement of the Council, that the mandate of the ONUMOZ police component (CIVPOL) be as follows:

(a) To monitor all police activities in the country, including those of PRM and any other police and security agencies and verify that their actions are fully consistent with the general peace agreement;

(b) To monitor the respect of rights and civil liberties of Mozambican citizens throughout the country;

(c) To provide technical support to the National Police Commission;

(d) To verify that the activities of private protection and security agencies do not violate the general peace agreement;

(e) To verify the strength and location of the government police forces, their matériel, as well as any other information which might be needed in support of the peace process;

(f) To monitor and verify the process of the reorganization and retraining of the quick reaction police and its activities, as well as to verify their weapons and equipment;

(g) To monitor, together with other ONUMOZ components, the proper conduct of the electoral campaign and verify that political rights of individuals, groups and political organizations are respected, in accordance with the general peace agreement and relevant electoral documents.

10. From an operational standpoint, CIVPOL would be a separate component of the Mission under the command of a Chief Police Observer, who would report directly to the Special Representative. At the same time, the new component would complement and work closely with the currently existing electoral, military, humanitarian and administrative components of ONUMOZ. A strong interrelationship with other elements of the Mission will be assured to guarantee the success of CIVPOL's mandate.

III. OPERATIONAL PLAN FOR UNITED NATIONS MONITORING AND VERIFICATION OF POLICE-RELATED ACTIVITIES

11. To ensure credible verification, it would be necessary to obtain promptly from the parties all information relevant to carrying out the mandate described in section II above, including on the strength of the police, as well as on the quantity, type and location of matériel in their possession. Appropriate liaison arrangements would be established with the national police at the headquarters level in Maputo, at the provincial level and at the district and local (station, post, etc.) levels. Activities of the Mozambican police and

private security/protection agencies will be closely monitored by teams of United Nations civilian police observers. They would liaise with established authorities and visit, without restriction, police installations and detention facilities, including prisons.

12. CIVPOL would establish itself at all strategic locations throughout the country. In determining deployment sites, consideration will be given to the ability of ONUMOZ to discharge its responsibilities effectively and to such factors as the need to instil confidence in the public, especially in the context of the electoral process. Arrangements would have to be made to establish a reliable communications network that would link the various levels of CIVPOL as well as enable it to liaise effectively with the Police Commission and its provincial subcommittees. CIVPOL's functions would be carried out by stationing United Nations teams in the vicinity of the Mozambican police stations, posts and by extensive patrolling. In order to monitor certain activities, police observers would be deployed at various national police headquarters. At the same time, ONUMOZ would have unrestricted access to the general public and would be able to gather information as well as to receive complaints from individuals and organizations. CIVPOL would conduct its own investigations, on the basis of such complaints, as well as independently, into politically motivated offences and, when necessary, recommend corrective action. Information about such investigations would be provided promptly to the National Police Affairs Commission and the national authorities.

13. Special attention would be given to the systematic verification of weapons and equipment in the possession of the national police and of private agencies and to monitoring the activities of the quick reaction police force, whose facilities would also be visited on a regular basis; ONUMOZ would also examine the latter's role and structure. Given the scope of arms proliferation among the general population, teams of United Nations police observers would be available to collect any weapons and ammunition that may be surrendered by individuals or irregular forces throughout the country.

14. At the same time, responsibility for the maintenance of law and order will clearly remain with the Government. All violations of the Criminal Code will be investigated by the Mozambican police, with the possibility of parallel investigations being conducted by CIVPOL, when the latter considers it appropriate. It would be essential to ensure a wide understanding among the general public of both what the role of ONUMOZ in police monitoring would be and of what new functions the Mozambican police are to perform in these new circumstances. Within the context of confidence-building measures, United Nations police observers, in coordination with the Government, would also monitor security arrangements for the leadership of RENAMO in its party's capacity as a signatory to the general peace agreement. It may be necessary to familiarize local police with the international concepts of rights, civil liberties and fundamental freedoms, as well as the codes of conduct the political parties might agree to observe during the electoral process. With the concurrence of the Mozambican parties, United Nations police observers would assist the electoral observers of ONUMOZ in monitoring the registration process and the electoral campaign. In this context, they would also monitor security at the polling stations, including the security arrangements for the storage, counting and transporting of ballot papers and other election material.

15. To perform the functions described above, the organizational structure of the ONUMOZ police contingent would be as follows:

(a) The headquarters component, which would be headed by the Chief Police Observer at the rank of Inspector General and would consist of his deputy and chiefs of staff for operations, liaison, investigations, logistics and personnel. A headquarters team would also liaise with and provide technical assistance to the Police Commission;

(b) A special task force stationed in Maputo for the monitoring and verification of the quick reaction police force. This group will also monitor security arrangements for the leadership of RENAMO. In addition, it will be on call to respond to any exigencies that may arise in other parts of the country;

(c) Three compact regional headquarters, whose tasks would primarily be the coordination activities in several provinces. Each of these headquarters will be headed by a regional chief police observer;

(d) Eleven provincial headquarters. Each of these will be headed by a provincial chief police observer and will include a deputy, an operations officer, an investigations officer, a logistics/personnel officer and several patrol and investigation teams, which would cover both the provincial capital and as much of the surrounding area as possible;

(e) One hundred eighty United Nations police stations and posts throughout the country in remote and isolated locations, to be established near government police facilities.

16. Having in mind the various considerations described above and the magnitude of tasks the United Nations police contingent would be called upon to perform, it is proposed that the total strength of the contingent be established at the level of 1,144 police observers (inclusive of the 128 already authorized by Security Council resolution 882 (1993)), with the following breakdown:

(a) The Chief Police Observer, with the rank of Inspector General;

(b) The Deputy Police Observer;

(c) 29 police observers at the component headquarters in Maputo;

(d) 30 police observers comprising a special task force to monitor and evaluate the quick reaction police and to be available for unforeseen exigencies;

(e) 12 police observers in each of the three regional headquarters;

(f) 327 police observers to be deployed at 11 provincial capitals, including those to be formed into stationary and mobile teams to service surrounding areas;

(g) 720 police observers in other locations throughout the country.

17. To the extent possible, United Nations civilian police observers would be colocated with the military and other civilian elements of ONUMOZ and would rely on the existing military and administrative infrastructure of the Mission, including transport and communications facilities. However, given the fact that these elements would be widely spread throughout the country, CIVPOL would require additional support in terms of administrative personnel, such as interpreters and translators, as well as adequate transportation and other equipment, accommodation facilities, etc. It is estimated that a total of 4 international staff and 35 locally recruited personnel would be required.

18. I am fully aware of the challenges involved in setting up such a substantial force and would therefore like to propose that it be deployed progressively. The initial phase, during which the central headquarters and regional and provincial capitals' teams would be fully established, should be completed by mid-March 1994. The second phase would coincide with the voter registration process from April to June 1994, during which up to 70 per cent of CIVPOL's posts and stations throughout the countryside would become operational. The remainder of the component would be deployed by no later than one month before the beginning of the electoral campaign, which is scheduled to begin on 1 September 1994.

IV. RECOMMENDATIONS

19. As members of the Security Council will recall, I first proposed the establishment of a United Nations police component in ONUMOZ in December 1992. At that time I felt that experience in other similar operations suggested that it would be desirable to deploy a United Nations civilian police to Mozambique in order to inspire confidence that violations of civil liberties, human rights and political freedoms would be avoided. I am pleased to inform the Council that, after extensive discussions, the Government of Mozambique and RENAMO have now agreed to the general concept for the ONUMOZ police contingent. As the peace process moves forward, the presence of a United Nations police element could be most useful, particularly when the national electoral campaign begins.

20. I would like to emphasize that I fully appreciate that the creation of a new component in ONUMOZ places an additional burden on the United Nations and its Member States. The cost estimates for the phased deployment of the police component of ONUMOZ will be issued shortly as a further addendum to the present report. I believe that recent political developments in Mozambique have evolved in such a way so as to allow an increasing shift of focus from the monitoring of cease-fire arrangements to the verification of police activities in the country. In my progress report on ONUMOZ in April, I intend to present to the Security Council my specific proposals about the phased reduction of the military component of the Mission.

21. Mozambique is currently facing one of the most challenging periods in its history, and the events that are taking place there now will determine what develops in the country in the immediate future. The recent, generally positive, developments there deserve the full support of the international community. It should also be recognized that the peace process in Mozambique is only one element in the wider transformation taking place in the entire region

of southern Africa. I recommend that the Security Council authorize the establishment of a United Nations police component as a integral part of ONUMOZ with the mandate and deployment described above. I further recommend that Member States consider contributing civilian police personnel to this important undertaking and appeal to them to do so.

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OPERATION IN MOZAMBIQUE

Addendum

1. In my report to the Security Council of 28 January 1994 (S/1994/89/Add.1), I recommended in paragraph 21 that the Council authorize the establishment of a United Nations police component as an integral part of the United Nations Operation in Mozambique (ONUMOZ). The mandate and deployment of the proposed police component would be as set out in paragraphs 9 and 18, respectively. I indicated in paragraph 20 that I would submit a further addendum to the report, in which the cost estimates for the phased deployment of the police component would be presented.

2. It will be recalled that, in paragraph 9 of resolution 882 (1993) of 5 November 1993, the Council approved the deployment of 128 police observers to ONUMOZ as soon as possible. The estimated cost associated with that deployment has previously been submitted to the Council (S/26666/Add.1). It is now estimated that the cost related to the deployment of an additional 1,016 civilian police, as part of an enlarged ONUMOZ police component, would amount to approximately $38,474,000 gross for the period from 15 February to 31 October 1994. A breakdown of the estimated cost by main categories of expenditure is provided for information purposes in the annex to the present addendum.

3. It would be my recommendation to the General Assembly, should the Security Council decide to approve my recommendation for the deployment of an enlarged police component for ONUMOZ, that the additional costs relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to the ONUMOZ special account established for this purpose.

Annex

Cost estimate of the additional costs to the United Nations for the activities of ONUMOZ for the period from 15 February to 31 October 1994

(In thousands of United States dollars)

		Amount
1.	Military personnel costs	-
2.	Civilian personnel costs	
	(a) Civilian police	21 044
	(b) International and local staff	506 a/
3.	Premises/accommodation	4 365
4.	Infrastructure repairs	-
5.	Transport operations	9 389
6.	Air operations	260
7.	Naval operations	-
8.	Communications	698
9.	Other equipment	1 800
10.	Supplies and services	300
11.	Election-related supplies and services	-
12.	Public information programmes	-
13.	Training programmes	-
14.	Mine-clearing programmes	-
15.	Assistance for disarmament and demobilization	-
16.	Air and surface freight	-
17.	Integrated Management Information System	-
18.	Support account for peace-keeping operations	43
19.	Staff assessment	69
	Total	38 474

a/ Provides for 4 international and 35 locally recruited staff.

UNITED NATIONS

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Forty-ninth year

APPOINTMENT OF A JUDGE OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Note by the Secretary-General

1. By a letter dated 23 December 1993, Mr. Germain Le Foyer de Costil (France) informed the Secretary-General of his resignation, effective 1 January 1994, as Judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991.

2. Judge Le Foyer de Costil had been declared elected a member of the International Tribunal by the General Assembly on 17 September 1993 to serve for a four-year term, commencing on 17 November 1993. 1/

3. In accordance with the provisions of article 13, paragraph 3 of the Statute of the International Tribunal, 2/ in the event of a vacancy in the Chambers, after consultation with the Presidents of the Security Council and the General Assembly, the Secretary-General shall appoint a person meeting the qualifications set out in article 13, paragraph 1 of the Statute, for the remainder of the term of office concerned.

4. By identical letters dated 10 January 1994, the Secretary-General consulted with the Presidents of the Security Council and the General Assembly concerning the appointment of a Judge to fill the unexpired term of Mr. Le Foyer de Costil. The President of the General Assembly replied by letter dated 12 January 1994, and the President of the Security Council replied by letter dated 13 January 1994.

1/ Decision 47/328 of 17 September 1993.

2/ S/25704, annex.

5. On 14 January, having consulted with the Presidents of the Security Council and the General Assembly, the Secretary-General appointed Mr. Claude Jorda (France) as Judge of the International Tribunal for the remainder of the term of office of Mr. Le Foyer de Costil, until 17 November 1997.

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Forty-ninth year

Letter dated 24 January 1994 from the representatives of the Russian Federation, Ukraine and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to bring to your attention the text of a statement and accompanying annex dated 14 January 1994 by the Presidents of the Russian Federation, Ukraine and the United States of America, submitted in English and Russian (see annex). We should be grateful if you would have the text of the statement and its annex circulated as an official document of the General Assembly, under the item entitled "General and complete disarmament", and of the Security Council.

(Signed) Yuliy M. VORONTSOV
Permanent Representative of
the Russian Federation
to the United Nations

(Signed) Volodymyr D. KHANDOGY
Chargé d'affaires a.i.
Permanent Mission of Ukraine
to the United Nations

(Signed) Madeleine K. ALBRIGHT
Ambassador
Permanent Representative of
the United States of America
to the United Nations

ANNEX

Text of the Trilateral Statement by the Presidents of the Russian Federation, Ukraine and the United States of America issued on 14 January 1994

Presidents Clinton, Yeltsin and Kravchuk met in Moscow on January 14. The three Presidents reiterated that they will deal with one another as full and equal partners and that relations among their countries must be conducted on the basis of respect for the independence, sovereignty and territorial integrity of each nation.

The three Presidents agreed on the importance of developing mutually beneficial, comprehensive and cooperative economic relations. In this connection, they welcomed the intention of the United States to provide assistance to Ukraine and Russia to support the creation of effective market economies. The three Presidents reviewed the progress that has been made in reducing nuclear forces. Deactivation of strategic forces is already well underway in the United States, Russia and Ukraine. The Presidents welcomed the ongoing deactivation of RS-18S (SS-19S) and RS-22S (SS-24S) on Ukrainian territory by having their warheads removed.

The Presidents look forward to the entry into force of the START I Treaty, including the Lisbon Protocol and associated documents, and President Kravchuk reiterated his commitment that Ukraine accede to the Nuclear Non-Proliferation Treaty as a non-nuclear weapon state in the shortest possible time. Presidents Clinton and Yeltsin noted that entry into force of START I will allow them to seek early ratification of START II. The Presidents discussed, in this regard, steps their countries would take to resolve certain nuclear weapons questions.

The Presidents emphasized the importance of ensuring the safety and security of nuclear weapons pending their dismantlement. The Presidents recognize the importance of compensation to Ukraine, Kazakhstan and Belarus for the value of the highly-enriched uranium in nuclear warheads located on their territories. Arrangements have been worked out to provide fair and timely compensation to Ukraine, Kazakhstan and Belarus as the nuclear warheads on their territory are transferred to Russia for dismantling.

Presidents Clinton and Yeltsin expressed satisfaction with the completion of the highly-enriched uranium contract, which was signed by appropriate authorities of the United States and Russia. By converting weapons-grade uranium into uranium which can only be used for peaceful purposes, the highly-enriched uranium agreement is a major step forward in fulfilling the countries' mutual non-proliferation objectives. The three Presidents decided on simultaneous actions on transfer of nuclear warheads to Ukraine in the form of fuel assemblies for nuclear power stations.

Presidents Clinton and Yeltsin informed President Kravchuk that the United States and Russia are prepared to provide security assurances to Ukraine. In particular, once the START I Treaty enters into force and Ukraine becomes a non-nuclear-weapon state party to the Nuclear Non-Proliferation Treaty (NPT), the United States and Russia will:

-- Reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the independence ad sovereignty and the existing borders of the CSCE member states and recognize that border changes can be made only be peaceful and consensual means; and

-- Reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of any state, and that none of their weapons will ever be used except in self-defense or otherwise in accordance with the charter of the United Nations;

-- Reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by another CSCE participating state of the rights inherent in its sovereignty and thus to secure advantages of any kind;

-- Reaffirm their commitment to seek immediate UN Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon state party to the NPT, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used;

-- Reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon state party to the NPT, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

Presidents Clinton and Yeltsin informed President Kravchuk that consultations have been held with the United Kingdom, the third depositary state of the NPT, and the United Kingdom is prepared to offer the same security assurances to Ukraine once it becomes a non-nuclear-weapon state party to the NPT.

President Clinton reaffirmed the United States commitment to provide technical and financial assistance for the safe and secure dismantling of nuclear forces and storage of fissile materials. The United States has agreed under the Nunn-Lugar program to provide Russia, Ukraine, Kazakhstan and Belarus with nearly USD 800 million in such assistance, including a minimum of USD 175 million to Ukraine. The United States Congress has authorized additional Nunn-Lugar funds for this program, and the United States will work intensively with Russia, Ukraine, Kazakhstan and Belarus to expand assistance for this important purpose. The United States will also work to promote rapid implementation of the assistance agreements that are already in place.

For the United States of America:

(signed) William J. Clinton

For the Russian Federation:

(signed) Boris N. Yeltsin

For Ukraine:

(signed) Leonid M. Kravchuk

Moscow, January 14, 1994

ANNEX TO TRILATERAL STATEMENT:

Annex to the January 14 Trilateral Statement by the Presidents of the United States, Russia and Ukraine.

The three Presidents decided that, to begin the process of compensation for Ukraine, Russia will provide to Ukraine within ten months fuel assemblies for nuclear power stations containing 100 tons of low-enriched uranium. By the same date, at least 200 nuclear warheads from RS-18 (SS-19) and RS-22 (SS-24) missiles will be transferred from Ukraine to Russia for dismantling. Ukrainian representatives monitor the dismantling of these warheads. The United States will provide USD 60 million as an advance payment to Russia, to be deducted from payments due to Russia under the highly-enriched uranium contract. These funds would be available to help cover expenses for the transportation and dismantling of strategic warheads and the production of fuel assemblies.

All nuclear warheads will be transferred from the territory of Ukraine to Russia for the purpose of their subsequent dismantling in the shortest possible time. Russia will provide compensation in the form of supplies of fuel assemblies to Ukraine for the needs of its nuclear power industry within the same time period.

Ukraine will ensure the elimination of all nuclear weapons, including strategic offensive arms, located on its territory in accordance with the relevant agreements and during the seven-year period as provided by the START I Treaty and within the context of the Verkhovna Rada statement on the non-nuclear status of Ukraine. All RS-22S (SS-24S) on the territory of Ukraine will be deactivated within ten months by having their warheads removed. Pursuant to agreements reached between Russia and Ukraine in 1993, Russia will provide for the servicing and ensure the safety of nuclear warheads and Ukraine will cooperate in providing conditions for Russia to carry out these operations.

Russia and the United States will promote the elaboration and adoption by the IAEA of an agreement placing all nuclear activities of Ukraine under IAEA safeguards, which will allow the unimpeded export of fuel assemblies from Russia to Ukraine for Ukraine's nuclear power industry.

For the United States of America:

(signed) William J. Clinton

For the Russian Federation:

(signed) Boris N. Yeltsin

For Ukraine:

(signed) Leonid M. Kravchuk

Moscow, January 14, 1994